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Concerning the Re-entering of some Advocats to their Employments.

At *Edinburgh*, the twentie fifth day of *January*, 1676.

THe Lords of Council and Session considering, That whereas His Sacred *Majesty*, by His Letter direct to them the 19. of *May*, 1674. did declare, that He found it indispensibly necessar for His service, and maintenance of His Authority, and for the quiet and security of His Subjects in their fortunes and estates, that the Honour, and Authority of the Colledge of Justice be inviolably preserved; and that there be an intire confidence in, and deference to all the Decrees and Sentences thereof; And that He will constantly maintain His Authority exercised in that Court, against all incroachments, indignities and reproaches: And did declare His dissatisfaction with, and abhorrence of all Appeals from the Lords; And did strictly prohibit the charging of any of their Decrets or Sentences with in justice, whether in the terms of Appeals, Protestations, or any other manner of way, publicly or privately, under the pain of being utterly secluded from any office in, or depending on the Colledge of Justice: Yet by that same Letter, His *Majesty* is graciously pleased, That the Lords should proceed no further against these Advocats, who refused to give their oaths concerning the Appeals given in by the Lord *Almond*, if they did solemnly disowne the same, and all other Appeals and Protestations, which might any wayes import the charging the Sentences, or Interloquutors of the Lords with injustice: And in case they did refuse to disown the same, His *Majesty* did thereby peremptorly command the Lords to debarr them from any part of their function as Advocats, in time coming. And they having refused to disown the same: Therefore, by Sentence of the Lords of the 24. of *July*, 1674. three of the saids Advocats were debarrd from their said function, and in like manner, another of these Advocats was debarrd by Sentence of the Lords, the 24. of *November* 1674. And, because fourty other Advocats did desert the house, when the Lords were sitting, that very day that their Sentence against the first three was intimate, and did continue willfully to desert their attendance on the House, though oftentimes required and citted to attend the same with certification, that these Advocats, who, without lawful excuse to be approven by the Lords, should continue to absent themselves, should be debarrd from the exercising the office of Advocats thereafter: They were therefore, by sentence of the Lords, the 3. of *July*, 1674. debarrd from exercising the office of Advocats thereafter. Likewise, His *Majesty*, by His Letter of the 14. of *July* 1674. did approve what the Lords had done, in relation to all the saids debarrd Advocats: And by His other Letter, the 12. of *December* 1674. His *Majesty* did declare, *in verbo Principis*, That such of these Advocats, as should not, betwixt and the 28. of *January*, 1675. make application to the Lords for re-entry, to be presented to His *Majesty* (in manner formerly prescribed) should never be re-admitted to that function thereafter: Requiring the Lords forthwith to cause Print, and Publish His Royal Pleasure therein, by way of Proclamation; which was done accordingly. After which Proclamation, and before the said 28. of *January*, 1675. Fifteen of these outted Advocats did give in Petitions severally to the Lords, in the terms of His *Majesties* Proclamation; which being found satisfactory by the Lords, were sent to His *Majesty*, and were returned with His *Majesties* Royal Pleasure, to re-enter them to the exercise of their employments. And many moe of the saids outted Advocats did give in a joynt Petition to the Lords, before the said 28. of *January*, 1675. but in general and dubious terms: And therefore the Lords required the same to be cleared, and that each of them should give in a severall Petition to that effect, declaring, that untill that were done, they could not transmit the same to His *Majesty* as satisfactory; and accordingly, some of the saids Advocats did, after the said day, present new Petitions explanatory of the former. And the Lords continuing in their zeal, to lay hold on every opportunity for reclaiming these Advocats to their dutie, They, by their Letter, of the 17. of *June* last, gave His *Majesty* an account of that affair; whereupon His *Majesty* did Authorize, and require the Lords to admit the Petitioners therein named, to the exercise of their function, as Advocats: And likewise, to re-admit such of the rest of the outted Advocates, as should petition in the terms of the foresaid explanatorie Petitions. As also, the Lords having considered His *Majesties* Letter, of the 11. of *December*, 1675. together with the inclosed Petition presented to His *Majesty*, by four of these outted Advocats, whereby they disown, and disclaim all Appeals, which sist process, and stop execution, as being contrar to Law, and in-consistent with the honour of the Lords of Session, and prejudicial to the Subjects in their just rights; and wherein they declare, that they shall not in their practice advise, or countenance any Protestations for remeed of Law in time coming. And wherein they do acknowledge, that all the Subjects, both Advocats, and others should pay all reverence, submission and respect to the Persons and Sentences of the Lords of Session, and that they shall never quarrel, nor impugn any of their Sentences or Interloquutors, but by Petitions, Suspensions, or Reductions only to be intended before the Lords themselves, as hath been customary in former times, and allowed to be practised by their predecessours. And as His *Majesty* doth in the said Letter, of new expresse, His fixed and unalterable purpose, inviolably to preserve the Jurisdiction and Authority of the Lords of Session, and severely to punish all designs and courses to the prejudice, or derogation thereof, as indispensibly necessar for His *Majesties* interest: So, in pursuance of His *Majesties* pleasure, and commands His *Majesty* doth of new declare, That he will not suffer or allow any Appeals or Protestations to be made use of against their Acts, Interloquutors, or Sentences: Requiring the Lords to punish all attempts, or designs of that kind, according to His *Majesties* former pleasure. And albeit His *Majesty* understands perfectly, that whole affair, and the certifications which these outted Advocats have incurred, yet being now

satisfied with their declarations, acknowledgments, and submissions in the said Petition; He is graciously pleased to dispense with all certifications, and other restrictions, not only as to those who signed the said inclosed Petition; But also, as to all others who shall subscribe the like Petitions betwixt and the 10. of *January* next, and present the same to the Lords. As also, His *Majesty* allows all such Advocats, who have already, or within the said time shall subscribe the like Petitions, to re-enter to their employments, and to enjoy all Priviledges, and Liberties thereto belonging, as if they had never been debarred therefra And as His *Majesty* hath manifested extraordinary Grace and Favour, towards these Advocats; So he doth confidently expect, they will demean themselves as becomes dutyful and loyal Subjects, and will henceforth give His *Majesty* no occasion, to signify His Royal pleasure against any of them with a due remembrance of what hath past. And His *Majesty* thereby requires the Lords to give all due Encouragement to these Advocats, who have remained in their dutie, and that these other Advocats, whom His *Majesty* hath been graciously pleased to restore, live peaceably and in concord with them: And His *Majesty* ordains the said Letter to be intimat to all these Advocats, and recorded in the Books of *Sederunt*, as a full declaration of His *Majesties* pleasure, and as the rule of their practice, whereunto they shall be obliged to conform themselves. The Lords did immediately, upon the receipt of His *Majesties* Letter, call the four Advocats, whose petition was inclosed, who having adhered thereto, the Lords did declare that, they might return to the exercise of their employment as Advocats, as fully, and freely, as they might have done before the Decret and Sentence of the Lords debarring them from any part of their function as Advocats. Which Decreet, the Lords do hereby rescind for the causes forsaide: Likewise, the Lords having received petitions from others of the saids outted Advocats, each for himself severally, before the 10. of *January* instant; the Lords did also accept of the same as satisfactory, conform to His *Majesties* Letter, and did declare, that they might re-enter to the exercise of their employments, as Advocats, as fully and freely as they might have done before the Decreet and Sentence of the Lords debarring them from exercising the office of Advocats, of the 3. of *July*, 1674. Which, as to them, the Lords do in like manner rescind, as they did formerly rescind the same: and the sentence of the Lords, the 24. of *November* 1674. as to the Advocats, who were debarred, and were at several times before re-entered to the exercise of their said office, as Advocats, as fully and freely, as they were before the said Decreet whereby they were debarred, viz. S. George Lockhart, S. John Cunningham, S. George Mackenzie, S. Robert Sinclair, S. John Harper, S. Colin Campbell, M. Thomas Learmonth, M. David Dunmuir, Walter Pringle, M. William Monypennie, M. William Hamilton, James Brown, M. Archibald Hop, M. John Lauder, M. William Murray, M. Colin Mackenzie, M. Robert Bennet, M. John Baillie, M. Roderick Mackenzie elder, M. George Fannerman, M. William Weir, M. James Binning, M. William Moor, M. James Hunter, M. Alexander Anderson, M. William Baillie, M. George Dickson, M. Robert Deans, M. William Clerk, M. David Dewar, M. John Colwill, M. William Dundas, George Gibson, M. James Borthwick, M. James Brisbain, M. David Cunningham, M. Patrick Smith, M. James Grant, M. Richard Douglas, M. James Falconer, M. Roderick Mackenzie younger, M. Alexander Campbell, M. Robert Buchanan, M. Edward Wright, M. Robert Stewart, M. John Kincaid, M. John Inglis, M. John Eleu, and M. Hugh Wallace. Likewise the Lords, according to His *Majesties* Letter, bearing, that all the outted Advocats who had already subscribed the like Petitions, to that inclosed in His *Majesties* Letter; Or should subscribe the same before the tenth of *January*, should enjoy all liberties and priviledges belonging to their office, as effectually to all intents and purposes, as if they had never been debarred. Therefore the Lords do declare, that all the saids Advocats are equally free, in the exercise of their employments, without any engagement lying upon one more than others of them. And farther, the Lords do declare, that all the saids Advocats re-entered now and before, have satisfied and fulfilled His *Majesties* Proclamation forsaide, of the date the twelfth day of *December*, 1674. As having now severally, and sufficiently explained the petitions given in by them, before the 28. of *January*, 1675. Likewise, the Lords considering, that it is convenient and proper for them to clear that which may prevent the ensnaring any person, by that expression contained in the petition inclosed in His *Majesties* Letter, bearing, that these Advocats will not quarrel, nor impugne the Sentences or, Interloquutors of the Lords; But by Suspensions, Petitions, or Reductions only to be intended before the Lords themselves, as hath been customary in former times, and hath been allowed to be practised by their Predecessors: Therefore the Lords do declare, that it was never allowed by the Lords, to quarrel, or impugne their Sentences, or Interloquutors, upon iniquitie, and that they will in no wayes suffer, or allow the same, but will severely censure such as shall in any way reproach or defame them, with the most malicious and intollerable brand of injustice; and that by the authority communicat to them by His *Majesty*, in their office, and which is also asserted, and cleared by His gracious Letter, of the 19. of *May*, 1674. Whereof there is no alteration, or derogation in that point, by His Letter of the 11. of *December*, 1675, bearing expressly, to be in pursuance of His *Majesties* former pleasure. And the saids Lords ordains this Act to be insert in the Books of *Sederunt*, and to be Printed.